

vices, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles or trailers for temporary use, telephone or telegraph services, gas, electricity, water or steam and the like, and admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

**10.44.020 Acts constituting theft designated—Penalty.**

A. A person commits theft when he knowingly does any of the following:

1. Obtains or exercises unauthorized control over the property of another, having a value of \$300 or less, with the purpose to deprive the owner thereof;

2. Obtains or exercises control over the property of another having a value of \$300 or less, by deception, and with the purpose to deprive the owner thereof;

3. Obtains or exercises control over the property of another, having a value of \$300 or less, by extortion, as defined by the laws of the state of Utah, and with the purpose to deprive the owner thereof;

4. Receives, retains or disposes of the property of another, having a value of \$300 or less, knowing that such property had been stolen, or believing that it probably had been stolen, or who conceals, sells, withholds, or aids in concealing, selling or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof;

5. Obtains property of another, having a value of \$300 or less, which he knows or reasonably should have known to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient, or as to the nature or amount of the property, without taking reasonable measures to return it to the owner, and with the purpose to deprive the owner of the property when he obtains the property, or at any time prior to taking the measures designated above;

6. Obtains services, having a value of \$300 or less, which he knows are available only for compensation, by deception, threat, force, or any other means designed to avoid the due payment therefore; or

7. Diverts the services of another, over which he has control and to which he knows he is not entitled, having a value of \$300 or less, to his own benefit or to the benefit of another who he knows is not entitled thereto.

B. A person convicted of theft, as herein enumerated, shall be deemed guilty of a misdemeanor.

**10.44.030 Presumptions and *prima facie* evidence.**

The following presumptions shall be applicable to this chapter:

A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed *prima facie* evidence that the person in possession stole the property.

B. The knowledge or belief required for subsection (A)(4) of section 10.44.020 of this chapter is presumed, in a case of an actor who:

1. Is found in possession or control of other property stolen on a separate occasion;

2. Has received other stolen property within the year preceding the receiving offense charged; or

3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value.

**Chapter 10.56**

**ALCOHOLIC BEVERAGES AND  
TOBACCO**

**Sections:**

**10.56.010 Alcoholic beverages—Sale to minors prohibited.**

**10.56.020 Proof of age—Refusing service authorized when.**

**10.56.030 Proof of age—Evidence—Defense for transactions.**

**10.56.040 False evidence of age—Prohibited.**

**10.56.050 False evidence of age—Presenting or possessing.**

**10.56.060 Alcoholic beverages—Possession by persons under 21.**

**10.56.070 Employment of persons under 21 prohibited.**

**10.56.080 Minors on premises where alcoholic beverages are sold—Work permits.**

**10.56.090 Tobacco—Sale to persons under 19 prohibited.**

**10.56.100 Tobacco—Purchase or possession prohibited when.**

**10.56.010 Alcoholic beverages—Sale to minors prohibited.**

A. Every person who sells, procures, furnishes, gives or causes to be sold, furnished or given away any alcoholic beverage to any person under the age of 21 years is guilty of a misdemeanor.

B. Any person under the age of 21 years who purchases any alcoholic beverage, or any person under the age of 21 years who consumes any alcoholic beverage in any place licensed to sell or serve beer or alcoholic beverages, is guilty of a misdemeanor.

C. Any licensee of a place licensed to sell beer or alcoholic beverages who permits a person under the age of 21 years to consume any alcoholic beverage in the premises without requiring identification as provided for in section 10.56.030 of this chapter is guilty of a misdemeanor.

D. “Alcoholic beverage” or “alcoholic beverages” as used in this chapter shall mean “beer” and “liquor” as defined in *Utah Code Ann.* § 32A-1-105, or its successor.

**10.56.020 Proof of age—Refusing service authorized when.**

For the purpose of preventing the violation of section 10.56.010, any licensee, or his agent or employee, may refuse to sell any alcoholic beverage to any person who is unable to produce adequate written evidence that he is at least 21 years of age.

**10.56.030 Proof of age—Evidence—Defense for transactions.**

A. *Bona fide* evidence of majority and identity of the person is a document containing a photograph of such person issued by a federal, state, county or municipal government, or subdivision or agency thereof, including but not limited to a motor vehicle operator’s license or an identification card issued to members of the Armed Forces.

B. Proof that the defendant-licensee, or his employee or agent, demanded, was shown and acted in reasonable reliance upon such *bona fide* evidence in any transaction, employment, use or permission forbidden by this chapter shall be a defense to any criminal prosecution therefor, or to any proceedings for the suspension or revocation of any licenses based thereon.

**10.56.040 False evidence of age—Prohibited.**

Any person who sells, gives or furnishes to any person under the age of 21 years any false or fraudulent written, printed or photostatic evidence of the majority and identity of such person is guilty of a misdemeanor.

**10.56.050 False evidence of age—Presenting or possessing.**

Any person under the age of 21 years who presents or offers to any licensee, his agent or employee, any written, printed or photostatic evidence of age and identity that is false, fraudulent, or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise attempting to procure

any alcoholic beverage, or who has in his possession any false or fraudulent written, printed or photostatic evidence of age and identity, is guilty of a misdemeanor.

**10.56.060 Alcoholic beverages—Possession by persons under 21.**

Any person under the age of 21 years who has any alcoholic beverage in his possession on any street or highway, or in any public place, or in any place open to the public is guilty of a misdemeanor. This section does not apply to possession by a person under the age of 21 years making a delivery of any beer or alcoholic beverage in pursuance of the order of a parent or in the course of his employment.

**10.56.070 Employment of persons under 21 prohibited.**

Every person who knowingly employs or uses the services of any person under the age of 21 years in or on that portion of any premises, during business hours, which are primarily designed, intended and used for the sale and serving of alcoholic beverages for consumption on the premises is guilty of a misdemeanor.

**10.56.080 Minors on premises where alcoholic beverages are sold—Work permits.**

A. Any licensee, or his agent or employee, of a place licensed to sell or serve alcoholic beverages who knowingly permits a person under the age of 21 years to enter and remain on the licensed premises without lawful business is guilty of a misdemeanor. Any person under the age of 21 years who enters and remains on the licensed public premises without lawful business therein is guilty of a misdemeanor.

B. This section shall not be construed to prohibit minors from eating meals in a restaurant when the primary business of the restaurant is the serving of meals, nor to prohibit minors from eating meals in a licensed private

club on that portion of the premises which is primarily intended for the serving of meals, provided that such minor is a guest of a club member.

C. Any portion of a licensed private club which is primarily intended for the serving of meals and which shall admit persons under 21 years of age as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Should persons under 21 years of age be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for the consumption and sale of alcoholic beverages.

D. Persons under 21 years of age may be employed by a club licensee as entertainers, kitchen staff, bus boys, waiters, waitresses and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale and consumption of alcoholic beverages and perform all their employment duties on the portion of the premises primarily intended for dining. The physical structure of the premises shall be such that no employee under 21 years of age need enter the portion of the premises primarily intended for the sale and consumption of alcoholic beverages in the performance of employment duties, and such entry by a minor employee is prohibited.

E. Any employee under 21 years of age of a club licensee shall obtain a work permit. The work permit shall be carried on the person while working on the premises and displayed upon request of law enforcement officers. The work permit shall be granted or denied in accordance with the city's business license ordinance, upon application to the city marshal or any other entity then providing law enforcement services to the city.

F. This section shall not be construed to allow any person under the age of 21 years on

that portion of the premises of a lounge, bar, tavern or club intended primarily for the sale and consumption of alcoholic beverages for any reason whatsoever.

**10.56.090 Tobacco—Sale to persons under 19 prohibited.**

Any person who sells, gives or furnishes any cigar, cigarette or tobacco, in any form, to any person under the age of 19, is guilty of a misdemeanor.

**10.56.100 Tobacco—Purchase or possession prohibited when.**

Any person under the age of 19 years who buys, accepts or has in his possession any cigar, cigarette or tobacco, in any form, is guilty of a misdemeanor.